

**TOWN OF DAVIE  
SPECIAL MEETING  
AUGUST 31, 2005**

The meeting was called to order at 12:07 p.m. and was followed by the Pledge of Allegiance.

Present at the meeting were Mayor Truex and Councilmembers Crowley, Paul and Starkey. Also present were Town Administrator Kovanes, Town Attorney Kiar and Assistant Town Clerk McDaniel recording the meeting. Vice-Mayor Hubert was absent.

*Ordinance - First Reading (Second and Final Reading to be held September 15, 2005)*

1. AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE  
2005-19 COLLECTION OF SOLID WASTE IN THE TOWN OF DAVIE, FLORIDA;  
AUTHORIZING THE IMPOSITION AND COLLECTION OF ANNUAL SOLID WASTE  
SERVICE ASSESSMENTS AGAINST RESIDENTIAL PROPERTY THROUGHOUT  
DAVIE, FLORIDA; PROVIDING FOR DEFINITIONS; ESTABLISHING THE  
PROCEDURES FOR IMPOSING SOLID WASTE SERVICE ASSESSMENTS;  
PROVIDING THAT THE LIEN FOR A SOLID WASTE SERVICE ASSESSMENT  
COLLECTED PURSUANT TO SECTIONS 197.2632 AND 197.3635, FLORIDA  
STATUTES, UPON PERFECTION SHALL ATTACH TO THE PROPERTY ON THE  
PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM TAXES; PROVIDING  
THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE  
LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND  
ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS,  
MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE IMPOSITION OF  
INTERIM ASSESSMENTS; PROVIDING PROCEDURES FOR COLLECTION OF SOLID  
WASTE SERVICE ASSESSMENTS; PROVIDING THAT ALL ORDINANCES AND  
PARTS OF RESOLUTIONS IN CONFLICT HERewith BE REPEALED TO THE  
EXTENT OF SUCH CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Assistant Town Clerk McDaniel read the ordinance by title. Mayor Truex announced there would be a second public hearing on this item on September 15, 2005.

Mayor Truex opened the public hearing portion of the meeting.

Les Brower spoke against using the ad valorem tax and was opposed to paying a year in advance for trash collection. Councilmember Crowley asked Mr. Brower if residents paid individually. Mr. Brower advised that residents in his community paid through their homeowners association.

Mayor Truex closed the public hearing.

Mr. Kovanes explained that this process had been ongoing for 18 months. He advised that staff felt it was to the Town's advantage to collect fees in this manner as this placed power with the local government versus the vendor. Mr. Kovanes spoke of the issue regarding collection of franchise fees based on the address used as this became a gray area with institutions such as Nova Southeastern University. He felt this needed to be addressed as individuals had called the Town voicing such concerns.

Mr. Kovanes stated that an accountability process was needed. Mr. Cohen agreed and added that there had been problems with single families and renters with regard to Code issues and non collection of waste. He advised that placing this fee on the tax bill eliminated such issues.

Mayor Truex asked if the Town would still owe Waste Management for non-payment of taxes. Mr. Cohen stated that in such instances, the Town would collect and then pay Waste Management. Mayor Truex asked when residents would stop paying their monthly or quarterly bill, if this option were to be implemented. Mr. Cohen indicated the end period would be December 2005. Mayor Truex asked what year would appear on the tax bill. Mr. Cohen replied 2006. Mayor Truex asked about individuals

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who did not pay their tax bill directly. Mr. Cohen advised that escrow companies had to keep excess funds and would likely pay, then bill the homeowner's association.

Tony Spadaccia, representing Waste Management, explained that it was the residents' option to cancel or add to their service as they pleased. He advised that commercial and condominium residents would continue to be billed through Waste Management, while other residents would discontinue paying their homeowner's association and pay when they paid their taxes.

Councilmember Crowley asked if the homeowner's association had an option. Mr. Spadaccia replied in the negative. Councilmember Crowley felt staff's report showed the pros but not the cons of this arrangement. He was concerned about residents on fixed incomes who received a monthly check and pointed out that higher tax bills would affect these residents. Councilmember Crowley referred to the early payment discount and asked how this would affect the tax discount. Mr. Cohen explained that staff had factored in the monthly early payment discount into the rate of \$212.

Councilmember Crowley asked how much revenue the Town was not collecting. Mr. Cohen did not know this figure as Waste Management did the collecting.

Mr. Spadaccia stated that with the proposed system, residents had the ability to evenly and fairly pay for collection. He added that this was a favored method in five other municipalities. Mr. Spadaccia stated that the Town would capture all revenues due and was assured of collection throughout the year.

Emerson Allsworth, attorney for Waste Management, indicated that for individuals who itemized, their payment on ad valorem taxes might be deductible. He advised that the tax bill residents received on November 1st was actually due on April 1st. Councilmember Crowley doubted that the payment was tax deductible.

Councilmember Starkey asked for follow-up information on whether the payment was tax deductible. Mr. Kiar indicated he would have to defer to a tax attorney for clarification. Councilmember Starkey voiced her concern about residents who did not pay their bills, resulting in lost revenue for the Town. She indicated that she had only received one e-mail against this proposed method. Councilmember Starkey requested that correct figures on estimated monies not being collected by the Town be presented to Council at the next meeting.

Councilmember Paul did not think the amount on the TRIM reflected the 40-cent reduction with the new amendment. Mr. Cohen confirmed this. Councilmember Paul asked for the true amount to be reflected on the TRIM and provided to Council by the next meeting.

Mayor Truex spoke of seasonal residents who had their service disconnected. Mr. Spadaccia advised that there was no accommodation for this deviation. Mayor Truex spoke of non-taxpayers who were being foreclosed on and asked whether Waste Management continued to pick up from such individuals. Mr. Spadaccia advised that Waste Management had no recourse to interrupt service in these cases. Mayor Truex wanted to confirm that Waste Management not get paid until the Town got paid. Mr. Spadaccia confirmed this statement. Mayor Truex felt the Town needed definitive tax advice on this issue.

Councilmember Paul made a motion to approve.

Mr. Brower asked who would handle occasional problems once residents stopped paying through their homeowner's association. Mr. Spadaccia advised that the communication channels would not change. Mr. Brower asked about the taxability of EMS fees. Mr. Kovanes indicated that he would research this further.

Mayor Truex seconded the motion. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - absent; Councilmember Crowley - no; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 3-1)

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As there was no further business to discuss and no objections, the meeting was adjourned at 12: 41 p.m.

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Date approved

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Chair/Committee Member